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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
IN RE WORLD TRADE CENTER DISASTER SITE LITIGATION	21 MC 100 (AKH)	
JOSEPH BARBERA AND NANCY BARBERA	DOCKET NO.	
Plaintiffs,	CHECK-OFF ("SHORT FORM") COMPLAINT RELATED TO THE MASTER COMPLAINT	
- against -	PLAINTIFF(S) DEMAND A TRIAL BY	
A RUSSO WRECKING, ET. AL.,	JURY	
SEE ATTACHED RIDER,		
Defendants.		
By Order of the Honorable Alvin K. Hellerstein, United States District Judge, dated June 22, 2006, ("the Order"), Amended Master Complaints for all Plaintiffs were filed on August 18, 2006.		
NOTICE (OF ADOPTION	
All headings and paragraphs in the Master C instant Plaintiff(s) as if fully set forth herein in addit Plaintiff(s), which are listed below. These are marked and specific case information is set forth, as needed, be	with an '\(\vec{\su}\)' if applicable to the instant Plaintiff(s),	
Plaintiffs, JOSEPH BARBERA AND NANCY GRONER EDELMAN & NAPOLI BERN, LLP, comp	BARBERA, by his/her/their attorneys WORBY plaining of Defendant(s), respectfully allege:	

I. PARTIES

A. PLAINTIFF(S)

1.		•	e "Injured Plaintiff"), is an individua
and a citizen	of New Jersey residing at 9	David Street, Hazlet, NJ	7 07730
		(OR)	
2.	Alternatively, \square	is the	of Decedent
	, and brings this claim	in his (her) capacity as	of the Estate of
		` ' 1	

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3. Jersey residir. Plaintiff:	•	fter the "Derivative Plaintiff'), is a citizen of New and has the following relationship to the Injured	
ramuir.	JOSEPH BARBERA, and brit	nerein, is and has been lawfully married to Plaintiffings this derivative action for her (his) loss due to the and (his wife), Plaintiff JOSEPH BARBERA.	
		Other:	
4. Subways as a	In the period from 9/12/2001 to 2/28/2 Heavy equipment operator at:	2002 the Injured Plaintiff worked for Empire City	
	Please be as specific as possible when fi	lling in the following dates and locations	
The World	d Trade Center Site	☐ The Barge	
Location(s) (i.e., building, quadrant, etc.)	From on or about;	
	bout <u>9/12/2001</u> until <u>2/28/2002</u> ;	Approximately hours per day; for Approximately days total.	
	ly <u>10</u> hours per day; for ly <u>125</u> days total.	□ Other:* For injured plaintiffs who worked at	
=========		Non-WTC Site building or location. The injured	
	York City Medical Examiner's Office bout,	plaintiff worked at the address/location, for the	
Approximate Approximate	ly hours per day; for ly days total.	dates alleged, for the hours per day, for the total days, and for the employer, as specified below:	
	Kills Landfill	From on or about until; Approximately hours per day; for	
	bout;	Approximately days total;	
	ly hours per day; for ly days total.	Name and Address of Non-WTC Site Building/Worksite:	
========	=======================================		
*Continue t	<u> </u>	aper if necessary. If more space is needed to specify ate sheet of paper with the information.	
5.	Injured Plaintiff		
	✓ Was exposed to and breathed nabove;	noxious fumes on all dates, at the site(s) indicated	
	 ✓ Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above; ✓ Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above; 		
	✓ Other: Not yet determined		

6.

Injure	d Plaintiff
V	Has not made a claim to the Victim Compensation Fund. Pursuant to $$405(c)(3)(B)(i)$ of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. $$40101$, the issue of waiver is inapplicable.
	Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
	Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
	Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

B. DEFENDANT(S)

The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

☑ THE CITY OF NEW YORK	☑ A RUSSO WRECKING
✓ A Notice of Claim was timely filed and	☑ ABM INDUSTRIES, INC.
served on 11/2/06 and	☑ ABM JANITORIAL NORTHEAST, INC.
☐ pursuant to General Municipal Law §50-	☑ AMEC CONSTRUCTION MANAGEMENT,
h the CITY held a hearing on(OR)	INC.
✓ The City has yet to hold a hearing as	✓ AMEC EARTH & ENVIRONMENTAL, INC.
required by General Municipal Law §50-h	☑ ANTHONY CORTESE SPECIALIZED
✓ More than thirty days have passed and	HAULING, LLC, INC.
the City has not adjusted the claim	✓ ATLANTIC HEYDT CORP
(OR)	☑ BECHTEL ASSOCIATES PROFESSIONAL
☐ An Order to Show Cause application to	CORPORATION
☐ deem Plaintiff's (Plaintiffs') Notice of	☑ BECHTEL CONSTRUCTION, INC.
Claim timely filed, or in the alternative to grant	☑ BECHTEL CORPORATION ☑ DECUTEL ENVIRONMENTAL INC.
Plaintiff(s) leave to file a late Notice of Claim	☑ BECHTEL ENVIRONMENTAL, INC.
Nunc Pro Tunc (for leave to file a late Notice of	☑ BERKEL & COMPANY, CONTRACTORS, INC.
Claim <i>Nunc Pro Tunc</i>) has been filed and a	BIG APPLE WRECKING & CONSTRUCTION
determination	CORP
☐ is pending	□ BOVIS LEND LEASE, INC.
☐ Granting petition was made on	☑ BOVIS LEND LEASE, INC. ☑ BOVIS LEND LEASE LMB, INC.
☐ Denying petition was made on	☑ BREEZE CARTING CORP
	☑ BREEZE NATIONAL, INC.
☑ PORT AUTHORITY OF NEW YORK AND	☑ BRER-FOUR TRANSPORTATION CORP.
NEW JERSEY ["PORT AUTHORITY"]	☑ BURO HAPPOLD CONSULTING ENGINEERS,
✓ A Notice of Claim was filed and served	P.C.
pursuant to Chapter 179, §7 of The	☑ C.B. CONTRACTING CORP
Unconsolidated Laws of the State of New	☑ CANRON CONSTRUCTION CORP
York on 11/2/06	☐ CONSOLIDATED EDISON COMPANY OF
✓ More than sixty days have elapsed since	NEW YORK, INC.
the Notice of Claim was filed, (and)	☑ CORD CONTRACTING CO., INC
☐ the PORT AUTHORITY has	\square CRAIG TEST BORING COMPANY INC.
adjusted this claim	☑ DAKOTA DEMO-TECH
✓ the PORT AUTHORITY has not	☑ DIAMOND POINT EXCAVATING CORP
adjusted this claim.	☑ DIEGO CONSTRUCTION, INC.
=======================================	☑ DIVERSIFIED CARTING, INC.
□ 1 WORLD TRADE CENTER, LLC	✓ DMT ENTERPRISE, INC.
□ 1 WTC HOLDINGS, LLC	☑ D'ONOFRIO GENERAL CONTRACTORS
☐ 2 WORLD TRADE CENTER, LLC	CORP
☐ 2 WTC HOLDINGS, LLC	☑ EAGLE LEASING & INDUSTRIAL SUPPLY ☑ EAGLE ONE ROOFING CONTRACTORS INC.
☐ 4 WORLD TRADE CENTER, LLC	☐ EAGLE SCAFFOLDING CO, INC.
☐ 4 WTC HOLDINGS, LLC	☑ EAGLE SCAFFOLDING CO, INC. ☑ EJ DAVIES, INC.
☐ 5 WORLD TRADE CENTER, LLC	☑ EJ DAVIES, INC. ☑ EN-TECH CORP
☐ 5 WTC HOLDINGS, LLC	□ ET ENVIRONMENTAL
☐ 7 WORLD TRADE COMPANY, L.P.	□EVANS ENVIRONMENTAL
	<u> </u>

Please read this document carefully.

It is very important that you fill out each and every section of this document.

✓ RODAR ENTERPRISES, INC.

☑ ROYAL GM INC.

☑ SAB TRUCKING INC.

✓ SAFEWAY ENVIRONMENTAL CORP

☑ SEASONS INDUSTRIAL CONTRACTING

☑ ZIEGENFUSS DRILLING, INC. ☐ OTHER:

✓ YORK HUNTER CONSTRUCTION, LLC

✓ YONKERS CONTRACTING COMPANY, INC.

☑ WSP CANTOR SEINUK GROUP

☑ YANNUZZI & SONS INC

Please read this document carefully.

It is very important that you fill out each and every section of this document.

☐ Non-WTC Site Building Owner	☐ Non-WTC Site Building Managing Agent
Name:	Name:
Business/Service Address:	Business/Service Address:
Building/Worksite Address:	Building/Worksite Address:
☐ Non-WTC Site Lessee	Ç
Name:	
Business/Service Address:	
Building/Worksite Address:	

Case 1:07-cv-04292-AKH Document 1 Filed 03/20/2007 Page 7 of 11 II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

Stabil	val jurisdiction over this action, pursuant to 28	furisd ut the U.S.C	iction, (or); Other (specify): Court has already determined that it has 2. § 1441.
	III CAUSE	S OF	ACTION
of lial			d defendants based upon the following theories a such a claim under the applicable substantive
	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	V	Common Law Negligence, including allegations of Fraud and Misrepresentation
V	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)		 ✓ Air Quality; ✓ Effectiveness of Mask Provided; ☐ Effectiveness of Other Safety Equipment Provided
V	Pursuant to New York General Municipal Law §205-a		(specify:); ✓ Other(specify): Not yet determined
V	Pursuant to New York General Municipal Law §205-e		Wrongful Death
		V	Loss of Services/Loss of Consortium for Derivative Plaintiff

Other: _

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1. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

	Cancer Injury: N/A. Date of onset: Date physician first connected this injury to WTC work:		Cardiovascular Injury: N/A. Date of onset: Date physician first connected this injury to WTC work:
	Respiratory Injury: N/A. Date of onset: Date physician first connected this injury to WTC work:	✓	Fear of Cancer Date of onset: 11/16/2004 Date physician first connected this injury to WTC work: To be supplied at a later date
√	Digestive Injury: Stomach Problems, Including, but not limited to, Nausea and/or Acid Reflux Date of onset: To be supplied at a later date Date physician first connected this injury to WTC work: To be supplied at a later date	✓	Other Injury: Chronic Headaches; Headaches, Dizziness, Migraines Date of onset: 11/16/2004 Date physician first connected this injury to WTC work: To be supplied at a later date

NOTE: The foregoing is *NOT* an exhaustive list of injuries that may be alleged.

2. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

damages:	
<u></u> -	Pain and suffering
V	Loss of the enjoyment of life
V	Loss of earnings and/or impairment of earning capacity
V	Loss of retirement benefits/diminution of retirement benefits
V	Expenses for medical care, treatment, and rehabilitation
✓	Other: ✓ Mental anguish ✓ Disability ✓ Medical monitoring ✓ Other: Not yet determined

3. As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

WHEREFORE, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

Plaintiff(s) demands that all issues of fact in this case be tried before a properly empanelled jury.

Dated: New York, New York March 5, 2007

Yours, etc.,

Worby, Groner Edelman & Napoli Bern, LLP

Attorneys for Plaintiff(s), Joseph Barbera and Nancy Barbera

By:

Christopher R. LoPalo (CL 6466)

115 Broadway

12th Floor

New York, New York 10006

Phone: (212) 267-3700

ATTORNEY VERIFICATION

CHRISTOPHER R. LOPALO, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under the penalties of

perjury that:

He is the attorney for the plaintiff(s) in the above-entitled action.

That he has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows

the contents thereof, and upon information and belief, deponent believes

the matters alleged therein to be true.

The reason this Verification is made by deponent and not by the

plaintiff(s) is that the plaintiff(s) herein reside(s) in a county other

than the one in which the plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds of his belief

CHRISTOPHER R. LOPALO

are communication, papers, reports and investigation contained in the

file.

DATED: New York, New York

March 5, 2007

263 4206

Docket No	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
	JOSEPH BARBERA (AND WIFE, NANCY BARBERA),
	Plaintiff(s) - against -
	A RUSSO WRECKING, ET. AL.,
	Defendant(s).
=====	SUMMONS AND VERIFIED COMPLAINT
	WORBY GRONER EDELMAN & NAPOLI BERN, LLP Attorneys for: Plaintiff(s) Office and Post Office Address, Telephone 115 Broadway - 12th Floor New York, New York 10006 (212) 267-3700
	To Attorney(s) for
	Service of a copy of the within is hereby admitted.
	Dated,
	Attorney(s) for
	EASE TAKE NOTICE: NOTICE OF ENTRY that the within is a (certified) true copy of an duly entered in the office of the clerk of the within named court on20 NOTICE OF SETTLEMENT that an order of which the within is a true copy will be presented for settlement to the HON. one of the judges of the within named Court, at on 20 at M. Dated, Yours, etc., WORBY GRONER EDELMAN & NAPOLI BERN, LLP